

EXHIBIT C

Excerpts from Deposition of Amanda Nickel

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DELVECCHIA Vs. FRONTIER AIRLINESDecember 11, 2019
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	Page 1	Page 3
1	UNITED STATES DISTRICT COURT	
2	FOR THE DISTRICT OF NEVADA	
3		
4	PETER DELVECCHIA, et al.,	
5	Plaintiffs,	
6	vs. CASE NO.	
	2:19-CV-01322-KJD-NJK	
7	FRONTIER AIRLINES, INC.,	
	et al.,	
8		
	Defendants.	
9	—————	
10		
11	VIDEOTAPED DEPOSITION OF	
12	AMANDA LEE NICKEL	
13		
14	Wednesday, December 11, 2019	
15	9:01 a.m.	
16		
17	9950 West Cheyenne Avenue	
18	Las Vegas, Nevada	
19		
20	Judith Payne Kelly, RMR, CCR-539	
21		
22		
23		
24		
25		
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1	APPEARANCES OF COUNSEL	
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21	Also Present:	
22	MONICA HAYWORTH, VIDEOGRAPHER	
23	PETER DELVECCHIA	
24	* * * * *	
25		

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1 others?	1 MR. MAYE: Object to form.
2 MR. MAYE: Object to form.	2 A. Because I did not put all of the specific
3 A. Later on in the flight, there was other	3 details in this statement.
4 observations made by other people.	4 Q. (By Mr. McKay) So you specifically have a
5 Q. (By Mr. McKay) Okay. Let's continue with	5 memory of him glancing at his father after you asked
6 your statement here. So we've talked about your uneasy	6 the question?
7 feeling; and then the next sentence is "Shortly after	7 A. Yes.
8 takeoff, during service, the" -- and there's a	8 Q. Could it perhaps have been to see whether his
9 redaction there -- "was sleeping."	9 father wanted something to eat or drink?
10 What was in the box that was redacted?	10 MR. MAYE: Object to form.
11 A. I don't remember the exact word, but I was	11 A. It may have been, but he was sleeping.
12 referring to the father.	12 Q. (By Mr. McKay) Could it perhaps have been to
13 Q. Okay. So the father -- you observed the	13 see whether his father was awake to be able to pay for
14 father being asleep?	14 the food and drink that you were selling?
15 A. At the time of service, yes.	15 A. I can't speculate on that.
16 Q. Okay. And was it your job to service that	16 Q. Because people have to pay for it, right?
17 row that they were seated in?	17 A. Except if they would like a glass of water.
18 A. Yes.	18 Q. Okay. But you said anything to eat or drink.
19 Q. Okay. Did you observe the son at that same	19 So anything that he wanted to eat, he would have to
20 time?	20 have paid for, right?
21 A. Yes.	21 A. Yes.
22 Q. Okay. Did you observe what he was wearing?	22 Q. Okay. And that's just a fact of life on
23 A. It was dark, so no.	23 Frontier Airlines, isn't it?
24 Q. Okay. So other -- if it hadn't been dark,	24 A. Yes.
25 you would have seen what he was wearing? Is that what	25 Q. Okay. So in your experience, 12-year-old
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1 you're saying?	1 children don't usually carry a lot of money, do they?
2 MR. MAYE: Object to form.	2 MR. MAYE: Object to form.
3 A. I would assume so, yes.	3 A. I don't know.
4 Q. (By Mr. McKay) Okay. And so the father was	4 Q. (By Mr. McKay) You don't know whether
5 sleeping. "So I asked" blank "if he would like" -- "if	5 12-year-old children typically carry a lot of money?
6 he wanted anything to eat or drink."	6 MR. MAYE: Object to form.
7 That would have been the son?	7 A. I'm not an expert on all 12-year-old
8 A. Yes.	8 children.
9 Q. Okay. And do you know whether you said "the	9 Q. (By Mr. McKay) You have a 12-year-old child.
10 son" in that box?	10 A. Correct.
11 A. Like I said, I don't recall the exact word	11 Q. Does he carry around a lot of money?
12 that was put there.	12 A. He carries money, yes.
13 Q. Okay. "And he very anxiously shook his head	13 MR. MAYE: Object to form.
14 no without speaking." That's what you wrote?	14 Q. (By Mr. McKay) Okay. But are you -- do all
15 A. Correct. Yes.	15 of his friends also carry around a lot of money?
16 Q. Okay. And how did you determine that it was	16 A. I don't know. I don't know his friends.
17 very anxiously?	17 Q. All right. Would you agree with me that it
18 MR. MAYE: Object to form.	18 wouldn't have been unusual for a 12-year-old child to
19 A. His body movements, the fact that he wouldn't	19 look to their parent to pay for something if they
20 speak to me. He shook his head very quickly after	20 wanted to buy something to eat?
21 glancing over to the father, who was sleeping, and	21 MR. MAYE: Object to form.
22 refused to answer the question verbally.	22 A. It -- like I said, it was the body movement
23 Q. (By Mr. McKay) Well, you don't say anything	23 of very anxiously shaking his head no, like he didn't
24 about him glancing over to his father here in the	24 want to speak to me anymore.
25 statement. Why not?	25 Q. (By Mr. McKay) Well, now you've already at

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1 A. -- not that I noticed.	1 A. I believe it was male, but I can't a hundred
2 Q. (By Mr. McKay) I understand what you said,	2 percent say.
3 but I'm asking you specifically did you observe --	3 Q. Okay. Do you remember whether he was
4 A. And I said no three times.	4 Caucasian or black?
5 Q. -- them --	5 A. No. No.
6 Well, it may be the way you think you say	6 Q. Okay. Now, did you observe Peter and A.D.
7 something, but what you actually said was "Not that I	7 harassing that passenger?
8 noticed."	8 A. No.
9 A. So not that I observed.	9 Q. Did anyone else tell you that they observed
10 Q. Okay. So you did not observe them arguing?	10 Peter and A.D. harassing that passenger?
11 Right?	11 A. No.
12 A. Yes.	12 Q. Okay. So there was no harassment going on
13 Q. Okay. So they complied with the	13 between Peter and A.D. and that passenger?
14 instructions?	14 A. Yes.
15 A. Yes.	15 Q. That's correct, a correct statement?
16 Q. And they didn't swing any fists or arms at	16 A. Yes.
17 Anna Bond?	17 Q. Okay.
18 A. Not that I observed.	18 MR. MAYE: John, do you want to take a break?
19 Q. So they didn't?	19 It's about an hour and forty minutes in.
20 A. Not that I observed.	20 MR. MCKAY: Oh, we did take a break. We took
21 Q. You did not observe them swinging any arms or	21 two breaks.
22 fists at Anna Bond?	22 Let me just finish this line of questioning.
23 MR. MAYE: That's right.	23 MR. MAYE: That's fine. I just want to make
24 A. That's what I said three times.	24 sure that the court reporters are fine.
25 MR. MAYE: That's what she said three times.	25 MR. MCKAY: You know, I have concerns about
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1 Q. (By Mr. McKay) Yes, I understand what you	1 all of them as well.
2 think you said.	2 MR. MAYE: Okay.
3 Okay. So Peter and A.D. were given a safety	3 MR. MCKAY: But I know that we just recently
4 instruction and they complied with it. So is that a	4 took two breaks.
5 basis on which to conclude that they may become a	5 THE WITNESS: Not when we -- not when we were
6 safety issue?	6 still on the record. I did not get a break.
7 MR. MAYE: Object to form.	7 MR. MAYE: Taking a break is not a bad thing.
8 A. That had nothing to do --	8 I'm not trying to disrupt you or . . .
9 Q. (By Mr. McKay) I just want a yes or no.	9 Q. (By Mr. McKay) So you decided to talk to the
10 A. Ask it again.	10 captain and the first officer about it. And then it
11 Q. You observed Peter and A.D. complying	11 says "He advised us to do frequent walk-bys." Who is
12 willingly with a safety instruction, right?	12 "he"?
13 A. Yes.	13 A. The captain.
14 Q. And that was not a reason to tell the	14 Q. Rex Shupe?
15 captain, right?	15 A. Yes.
16 A. In and of itself, no.	16 Q. Did you know him?
17 Q. Good. Okay. So did you observe Peter and	17 A. No.
18 A.D. -- well, strike that.	18 Q. Have you ever flown with him again?
19 When they moved to row 17, was there another	19 A. Not that I believe so.
20 passenger in row 17?	20 Q. Had you ever flown with him previously?
21 A. Yes.	21 A. Not that I believe so.
22 Q. Do you remember anything about that	22 Q. And then as you see there, there's a
23 passenger?	23 redaction. Do you know what was in that redaction?
24 A. No.	24 A. I believe it was Scott's observation.
25 Q. Male, female?	25 Q. Okay. So would you read the sentence,

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<p>1 believe he sat down in the row, but I can't recall.</p> <p>2 Q. Okay. Because there were times when you were 3 not observing?</p> <p>4 A. He never -- because the other passenger was 5 on the aisle, so I don't -- Scott never sat in the 6 middle of them or anything.</p> <p>7 Q. And you're sure of that?</p> <p>8 A. To the best of my recollection, yes.</p> <p>9 Q. Okay. But there are times when you didn't -- 10 when you weren't watching row 31, right?</p> <p>11 A. Correct. But I was vigilant of -- or knew 12 where Scott was. I mean, you don't necessarily sit in 13 a row next to a passenger. That's not in our job.</p> <p>14 Q. All right. I'm not asking about your 15 specific job at this point. I'm just asking about your 16 observations.</p> <p>17 A. And my observations were I don't -- I don't 18 believe Scott was ever sitting in the middle seat.</p> <p>19 Q. Okay. But you would agree with me there were 20 times when you were doing your job, as you said, that 21 you were not looking at row 31?</p> <p>22 A. I was not looking at 30 -- row 31 every 23 second of the flight.</p> <p>24 MR. McKAY: Okay. Those are the only 25 questions that I have today, but I'm just going to</p>	<p>Page 129</p> <p>1 started interviewing the suspected perpetrator?</p> <p>2 MR. McKAY: Objection to the form of the 3 question.</p> <p>4 A. The perpetrator could get angry; there could 5 be physical violence to other passengers or to crew.</p> <p>6 Q. (By Mr. Maye) And why do you separate a 7 suspected victim from the suspected perpetrator on a 8 flight?</p> <p>9 MR. McKAY: Objection to the form of the 10 question.</p> <p>11 A. For the safety of the victim and other 12 passengers, the -- yeah, for the safety.</p> <p>13 Q. (By Mr. Maye) And is that based on your 14 training?</p> <p>15 A. Yes.</p> <p>16 Q. What about Frontier guidelines and policies?</p> <p>17 A. In Frontier's guidelines, you're supposed to 18 separate -- always separate the victim. They tell us 19 specifically you need to -- several rows need to be in 20 between the victim and the perpetrator; we're not 21 supposed to question the victim or the perpetrator, 22 just make the victim comfortable and wait for law 23 enforcement when they land.</p> <p>24 Q. And as a flight attendant, can you move the 25 suspected victim without notifying the captain?</p>
<p>1 adjourn because we do have some outstanding discovery 2 issues.</p> <p>3 THE WITNESS: What does that mean? I have to 4 come back?</p> <p>5 MR. MAYE: No, I don't know what he means --</p> <p>6 THE WITNESS: Okay.</p> <p>7 MR. MAYE: -- but I do have a few follow-up 8 questions.</p> <p>9 THE WITNESS: Okay.</p> <p>10 EXAMINATION</p> <p>11 BY MR. MAYE:</p> <p>12 Q. You testified earlier that before a decision 13 is made to separate a suspected victim of violence or 14 sexual misconduct, you don't interview those involved 15 or you don't conduct any, you know, investigation 16 involving asking questions of the suspected 17 perpetrator, suspected victim. Is that right?</p> <p>18 MR. McKAY: Objection to the form of the 19 question; and no, that was not her testimony.</p> <p>20 A. Correct. It is not in our training to 21 question the victim or the perpetrator. We leave that 22 to law enforcement so that we don't try and escalate a 23 situation.</p> <p>24 Q. (By Mr. Maye) And when you say "escalate the 25 situation," what do you mean? What could happen if you</p>	<p>Page 130</p> <p>Page 132</p> <p>1 MR. McKAY: Objection to the form of the 2 question.</p> <p>3 A. Actually, in the sexual misconduct training, 4 it says to separate them first and then notify the 5 pilot.</p> <p>6 Q. (By Mr. Maye) In this case you didn't do 7 that, right?</p> <p>8 MR. McKAY: Objection to the form of the 9 question.</p> <p>10 A. Correct.</p> <p>11 Q. (By Mr. Maye) You first contacted the 12 captain, correct?</p> <p>13 A. Yes.</p> <p>14 MR. McKAY: Objection to the form of the 15 question.</p> <p>16 Q. (By Mr. Maye) And why did you do that?</p> <p>17 A. Because we wanted to make sure we were making 18 the right decision in this case.</p> <p>19 Q. When Scott separated A.D. from his father, 20 did you observe the demeanor of Mr. DelVecchia?</p> <p>21 MR. McKAY: Objection to the form of the 22 question.</p> <p>23 A. I observed that there wasn't any yelling or 24 screaming or any arguing at that time. I noticed the 25 father stand up as the son exited the row. There was a</p>

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<p style="text-align: right;">Page 133</p> <p>1 very brief discussion, only a few words spoken at that 2 time, until later when the father came back to the back 3 of the plane to speak to us.</p> <p>4 Q. (By Mr. Maye) At any point did you observe 5 A.D. crying at all?</p> <p>6 A. No.</p> <p>7 Q. What are the potential risks of not 8 separating a potential victim from the suspected 9 perpetrator during a flight?</p> <p>10 MR. McKAY: Objection to the form -- sorry. 11 Objection to the form of the question.</p> <p>12 A. There could be continued harassment, 13 touching, continued threat to his safety if we hadn't 14 separated them.</p> <p>15 Q. (By Mr. Maye) So by separating A.D. from his 16 father, you were removing a potential safety threat to 17 A.D.?</p> <p>18 MR. McKAY: Objection to the form of the 19 question.</p> <p>20 A. Yes.</p> <p>21 Q. (By Mr. Maye) Do you recall if the race of 22 Mr. DelVecchia or the child were -- was relayed to the 23 captain?</p> <p>24 MR. McKAY: Objection to the form of the 25 question.</p>	<p style="text-align: right;">Page 135</p> <p>1 Q. So he never stated to you or to another 2 flight attendant, as far as you know, that he was being 3 molested?</p> <p>4 A. Not that I recall.</p> <p>5 Q. And no other passenger indicated to you that 6 they observed A.D. being molested by his father?</p> <p>7 A. I did not question any passengers. It's not 8 our job.</p> <p>9 Q. So that would be a no?</p> <p>10 A. It would be that I did not ask any passengers 11 about the incident.</p> <p>12 Q. Nor did any passengers tell you that they saw 13 that A.D. was being molested?</p> <p>14 A. None said anything to me, no. It was not 15 discussed.</p> <p>16 Q. And no flight attendant told you that they 17 had received any statement from a passenger that they 18 saw this alleged molestation occurring?</p> <p>19 A. They did not say anything to me if they did.</p> <p>20 Q. So all you have to base your conclusion that 21 this alleged molestation happened was the statement of 22 Scott that he had seen hands inserted between the legs, 23 right?</p> <p>24 MR. MAYE: Objet to form.</p> <p>25 A. I didn't allege any molestation.</p>
<p style="text-align: right;">Page 134</p> <p>1 A. Not that I recall. No race was mentioned of 2 either.</p> <p>3 MR. MAYE: I have no further questions.</p> <p>4 Thanks.</p> <p>5 FURTHER EXAMINATION</p> <p>6 BY MR. McKAY:</p> <p>7 Q. You certainly conveyed your unease to the 8 captain, didn't you?</p> <p>9 A. In what regards to -- in what time when we 10 spoke to the captain?</p> <p>11 Q. At some point during the flight, you told the 12 captain you were uneasy about the situation of Peter 13 and A.D. traveling together on the plane?</p> <p>14 A. I relayed to the captain my observations, 15 yes.</p> <p>16 Q. Which included your unease?</p> <p>17 A. It included what -- I told him exactly what I 18 had observed.</p> <p>19 Q. Just as you told the police later in your 20 statement, right?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. At no point during the flight did A.D. 23 indicate to you that he was being molested, did he?</p> <p>24 A. We -- I did not ask him, and he did not say 25 anything in regards to that.</p>	<p style="text-align: right;">Page 136</p> <p>1 Q. (By Mr. McKay) No one said you did.</p> <p>2 A. You just said "alleged molestation," and I 3 said I did not allege molestation.</p> <p>4 Q. Okay.</p> <p>5 A. This was not my decision. This was the 6 captain's decision after we gave him all of our 7 observations.</p> <p>8 Q. My apologies. It's a difference in 9 terminology.</p> <p>10 So the conclusion that there had been some 11 molestation, right or wrong, came from the statement by 12 Scott that he had seen something?</p> <p>13 A. I didn't come to any conclusion.</p> <p>14 MR. MAYE: Objection. Hold on. Hold on. 15 Object to form.</p> <p>16 THE WITNESS: I didn't come to any 17 conclusions.</p> <p>18 Q. (By Mr. McKay) Okay.</p> <p>19 A. I reported what I saw and I went by the 20 captain's instructions.</p> <p>21 Q. But you do believe that the sexual misconduct 22 must-read is somehow connected to what happened on 23 Flight 2067?</p> <p>24 A. I believe -- yes.</p> <p>25 Q. Okay. Fair enough. All right.</p>